

REMARKS

Claims 1-40 are pending in the present application.

UNITY OF INVENTION

The Examiner has restricted the claims into the following groups:

Group I, Claims 1-37, drawn to compounds/antifungal agents;

Group II, Claims 38 and 40, drawn to multiple uses.

For the purpose of examination of the present application, Applicants elect, with traverse, Group I, Claims 1-37.

In separating the compound/antifungal agent claims from the method claims, the Examiner states:

Groups I and II are related as products and multiple uses. In the instant case, the products as claimed can be used in materially different processes as evidenced by applicants' own claims and specification.

Applicants respectfully submit that this is proper reasoning under US practice. The Examiner has not provided any reason why the claims of Groups I and II do not have unity of invention. It is clear that both claims 38 and 40 depend from the claims 3 and 1, respectively, and as such, there is a corresponding special technical feature common amongst the claims of Group I with the claims of Group II.

Based on the foregoing, rejoinder is respectfully requested at this stage.

Nevertheless, Applicants respectfully remind the Examiner that if the product claims are found allowable, withdrawn process claims that depend from or otherwise require all the

limitations of the allowable product claim (such as is the case with the present method claims 38 and 40) will be considered for rejoinder.

ELECTION OF SPECIES

With regard to the Election of Species Requirement, Applicants wish to elect **2,6-diamino-N-(5-(4-fluoro-phenoxy)-thiophen-2-ylmethyl)-nicotinamide** (described in Example A-53) as a single compound. Claims 1-8, 16-27, 36 and 37 are directed to the elected species.

Should the Examiner find the elected species allowable, the Examiner is respectfully requested to expand the prior art search to include a reasonable number of species. Applicants respectfully submit that claims 1, 3 and 34 each contain a reasonable number of species.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Monique T. Cole, Registration No 60,154 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

Dated:

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Respectfully submitted,

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